

Proposed Amendment to CPEC's *Rules of Organization and Structure*

Background

California Education Code Section 66901 specifies that:

Any member of the Commission who in any calendar year misses more than one-third of the meetings of the full Commission forfeits his or her office, thereby creating a vacancy.

State law fails to specify who is to enforce this provision, fails to provide a concise definition of what constitutes a full meeting of the Commission, and fails to provide for "excused" absences.

Because of these limitations, the statute has not been uniformly or consistently enforced.

Current Commission Chairperson Welinsky has expressed continued concern about the attendance of Commissioners at scheduled Commission meetings. He noted these concerns most recently at the Commission's December 2004 meeting. The Chair requests that the Commission consider adopting a policy for interpreting and enforcing the previously mentioned Education Code section.

Proposed Amendment

To clarify and enforce Education Code Section 66901, the Chair proposes that the Commission adopt the following amendment to its *Rules of Organization and Structure*:

Attendance

Any public member of the Commission will be removed from his or her seat on the Commission if he or she fails during one calendar year to attend two-thirds of the Commission's regularly scheduled in-person meetings. A Commissioner who attends one day of a two day Commission meeting will be considered as having attended the full Commission meeting and will not be considered as absent from that meeting.

For those members of the Commission who serve on the Commission as a representative or appointee of another body, the appointing authority for those Commissioners will be notified if their Commission representative fails during one calendar year to attend two-thirds of the Commission's regularly scheduled in-person meetings. A Commissioner who attends one day of a two day Commission meeting will be considered as having attended the full Commission meeting and will not be considered as absent from that meeting.

The Chair of the Commission is vested with authority to grant “excused absences” to members of the Commission for health or other family related matters. Requests for “excused absences” must be made in writing to the Chair of the Commission no later than seven days following the Commission meeting at issue and the Chair will render his/her approval or denial of that request not more than seven business days following its receipt.

An “excused absence” will be removed from the calculation in determining whether the member has attended two-thirds of full Commission meetings during a calendar year. For example, if during a calendar year the Commission holds four regularly scheduled in-person meetings, but a member has one “excused absence,” for purposes of calculating the two-thirds requirement, staff will consider the member’s attendance at the three other meetings that year (i.e. the denominator for the calculation would be three meetings instead of four).